IN THE HIGH COURT OF JUDICATURE AT BOMBAY, PANAJI, GOA.

WRIT PETITION NO. 435 OF 2003.

The Registrar, Co-operative Societies,
Panaji,Goa. ... Petitioner.

vs.

Mr. Ruia A.E.F. Ferreira. ... Respondent.

Shri Guru Shirodkar for the petitioner.

Respondent in person.

CORAM : V.C. DAGA,J.

DATE : 23rd August 2006.

P.C. :

During the Course of hearing, of this petition, learned Counsel appearing for the petitioner raised 3 grounds to challenge the impugned order viz., (1) That the Registrar, Co-operative Societies had rightly refused to supply information sought; holding that he was holding it as custodian; hence no order directing disclosure of information could have been passed by the authorities below. (ii) That the document in question is protected under the umbrella of section 5(c) of the Goa Right to

Information Act, 1997 as such disclosure of the information could not have been directed. (iii) That the appeal filed on 23.1.2002 by the respondent was barred by limitation as such appeal could not have been entertained without condonation of delay in filing appeal for want of jurisdiction to entertain appeal.

2. Respondent appearing in person was called upon to satisfy this Court as to how appeal preferred by him was within prescribed period of limitation.

3. In reply, respondent submits that for the first time, refusal to provide information was communicated to him under the signature of the Registrar, Co-operative Societies , Goa, on 13th December 2001. Consequently, he was well within his right to file appeal within 30 days from the date of receipt of communication dated 13th December 2001.

4. The respondent was confronted with the letter dated 13th May 2006, wherein, refusal to furnish sought was reflected at Sr. No. 2 i.e. report of inspection of the Reserve Bank of India, was communicated by the Additional Registrar, Co-operative Societies. He tried to contend that it was no communication by Competent Authority. The respondent is a practising advocate. During the course of legal debate he found it difficult to take his submission to the logical end. He, at the end of his submission urged that the impugned order be set aside and appeal be

restored to file of the appellate authority with liberty to him to move an application to seek condonation of delay in filing appeal. The last submission made is reasonable and deserves acceptance. Considering reasonableness of the submission made in this behalf by the respondent for which learned Counsel for the petitioner has no objection;, Information Appeal No. 4 of 2002 is remitted back to the lower appellate authority with liberty to the respondent to move an application to seek condonation of delay in filing appeal. Needless to mention that the appellate authority shall be free to decide the same on its own merits in accordance with law. All rival contentions are kept open.

5. The Appellate Authority is directed to hear and dispose of the application for condonation of delay if filed, as expeditiously as possible at any rate, within 8 weeks from the date of filing of the said application . In the event, the appellate authority decides to condone delay, the appellate authority shall be free to dispose of the appeal on merits within 3 months thereafter.

6. In the result, petition is partly allowed. Petition is accordingly disposed of .Rule is made absolute in terms of this order with no order as to costs.

(V.C. DAGA, J.)